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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,326	02/13/2001	Toyoaki Furusawa	1081.1109/JDH	9068

21171 7590 06/10/2005

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EXAMINER

HARRELL, ROBERT B

ART UNIT PAPER NUMBER

2142

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,326

Applicant(s)

FURUSAWA ET AL.

Examiner

Robert B. Harrell

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/28/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/13/01 and 1/28/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> . |

Art Unit: 2142

1. Claims 1-14 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The claims are more directed to A SYSTEM FOR DISTRIBUTING CONTENTS FROM A CHILD SERVER CLOSEST TO A CLIENT AS DETERMINED BY A PARENT SERVER BASED ON CLIENT'S LOCATION.
3. The textual portion of the specification is replete with grammatical and idiomatic errors too numerous to mention specifically. The specification should be revised carefully.
4. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., providing clear antecedent bases for each "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 8, 9, and 10 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter (i.e., a computer program per se') (see In re Beauregard (CAFC) 35 USPQ2d 1383) and MPEP 2106). This rejection maybe overcome by incorporating "A computer program product incorporated on a computer readable medium" akin to the likes of In re Beauregard and MPEP 2106.
7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the

Art Unit: 2142

international application designated the United States and was published under Article 21(2) of such treaty in the English language;

8. Claims 1-14 are rejected under 35 U.S.C. 102 (e) as being anticipated by Li (US 6,799,214 B1).

9. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the reference is cited* and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions.

10. Li taught a distribution system (e.g., see Title) connected to clients (e.g., see Abstract) through communication circuit (e.g., see figures 1-3), comprising a parent server (e.g., see figure 2 (98)) and child servers (e.g., see figure 2 (22 and/or 100)), wherein the parent server comprised (a) a receiving unit (e.g., see figure 5 (38,42,72, and/or 74) receiving an area identification representing a geographical position (e.g., see col. 2 (line 46 "geographically") and col. 13 (line 32 "geographical"))(e.g., also see figure 1 ("Japan") and figure 5 ("IP address" of 130 as technically explained per col. 2 (lines 28-53))) of one of the clients (e.g., "end user" 128 of figure 5) and identification information of contents (e.g., "Web Pages" per figure 4 and figure 5 "Page request" of 130)), distribution of which is requested by the one of the clients (e.g., see figure 5 (130)), and (b) a selecting unit (e.g., see figure 5 (38, 72, 74, 76, 80 and/or 126)) selecting one of the child servers that holds the contents, distribution of which is requested, and which child server is closes to the one of the clients that originates the distribution request, using the received area identification and identification information (e.g., see Abstract), and notifying (e.g., see figure 5 (76)) the one of the clients that originates the distribution request of logical position information of the selected one of the child servers (e.g., see col. 9 (line 56-et seq.)); and each child server comprises a distribution unit distributing the contents, distribution of which is request by the one of the clients (e.g., see col. 10 (line 35-et seq.)).

11. Per claims 2, 3, and 4, such ascertaining, copying, and deleting was normal "cache" functions of the caching for the mirror sites as depicted in figure 5 and recited, for example, in col. 7 (line 58-et seq.) for copying the contents, and col. 10 (lines 35-40 (threshold equates to ascertaining frequency of distribution requests for Web Page contents)), and col. 12 (line 66-et seq.) and more so in col. 13 (line 32 "deleted") for reasons more so then staleness. The usage "cache" terminology is noted within Li, and thus functionality (i.e., method of expiring data from cache or obtaining data), is therefore incorporated into this applied reference as anticipated by col. 9 (lines 33-46) and col. 12 (lines 20-53). It is noted that the claims recite an "or" condition (i.e., "presence or absence" also "or the frequency"); thus, only one limitation condition need be met, not all, by the applied reference (i.e., presence or absence or frequency) under 35 U.S.C. 102. Also, while given the hosting Web Servers and Mirror sites, nomenclature need not be

Art Unit: 2142

restricted statically to each site, thus a Mirror Site was anticipated to be a parent site in a plural level tree structure or that the parent site be the Mirror Site since each computer was a Web Server in and of itself. More so, the copying of data in terms of pushing or pulling is relative in that a parent that pushes Web Pages to the child none the less has a child that copies the content and the like for pulling from the child off the parent with notification to the client being that of element 76 of figure 5 (located near center right of figure 5 just under "Cacheportal 38"). In other words, if the copying is initiated by the parent (i.e., a push) the child nonetheless partakes in the copying function/program and thus the child also copies the contents based on a program download from the parent (i.e., HTML code and/or other code to program the child into this relationship be the program length of just one code line or command).

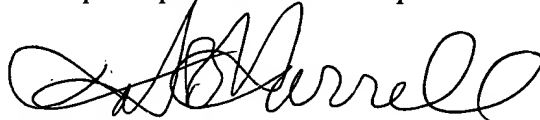
12. Per claims 5-14, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above. However, per claims 8, 9, and 10, software and hardware are equivalent and it was also anticipated that to function as taught the associated product was inherently required within Li's system.

13. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (571) 272-3896. The fax phone number for all papers is (703) 872-9306.

16. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142